

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROSALINA CALONGE,
Plaintiff,

v.

CITY OF SAN JOSE, et al.,
Defendants.

Case No. 20-cv-07429-NC

**ORDER AFTER PRETRIAL
CONFERENCE**

This order summarizes orders and plans made at the March 19 pretrial conference.

- Prospective Juror Orientation Video. The parties consented to the showing of the orientation video.
- Prospective Juror Questionnaire. Prospective jurors will be sent a Survey Monkey Questionnaire adapted from the District's current standard form, by deleting question 21 and adding the parties' proposed questions 18 and 20 and potentially a question about hardship. After discussion at the pretrial conference, the Court will not propound a supplemental questionnaire on April 7. The trial attorneys will be sent the responses to the questionnaire in the week before jury selection. The Court may consider hardship challenges for prospective jurors in the week before trial and will issue additional procedural guidance after the questionnaires are received. The parties and their attorneys and agents are ordered not to contact any of the prospective jurors. All juror survey responses must be returned or certified destroyed within 30 days after the end of the case.
- Masking rules during trial. Reviewed and agreed.

- 1 • One attorney per side per task rule. Absent further Court order, each side must
- 2 select one attorney for each trial task. Reviewed and agreed.
- 3 • No additional filed motions during trial without meet and confer with opposing
- 4 counsel and leave of Court. Trial is not intended to be an ambush. If any party
- 5 wishes to file a written motion during trial, they must first meet and confer with the
- 6 opposing side and also receive leave of Court. Surprise motions filed in the middle
- 7 of the trial night are especially disfavored. Reviewed and agreed.
- 8 • Each side will be allowed up to 12 hours total for trial. This is the total for all
- 9 phases and the parties may allocate their time between phases as they wish. What
- 10 activities count toward permitted trial time? Upon the start of opening statements,
- 11 the trial clock will be running while Court is in session. The reading of jury
- 12 instructions and the jury instruction charging conferences do not count.
- 13 • No jury questions to witnesses will be allowed. The parties agreed.
- 14 • Witness interpreter? Plaintiff intends to use a certified interpreter during Rosalia
- 15 Calonge's testimony, but not at other times. It will be Plaintiff's responsibility to
- 16 provide a certified interpreter. Defendants raised a potential issue for one witness
- 17 and the parties will meet and confer about that witness.
- 18 • Trial schedule. Juror voir dire will begin April 7, 2025, at 9:30 a.m. The typical
- 19 trial day will run from 9:30 a.m. to about 12:30 p.m. and about 1:30 p.m. to 4:30
- 20 p.m. No trial planned for April 16. The parties should be prepared to start phase
- 21 two of the trial soon after the return of verdict on phase one.
- 22 • Voir Dire. The Court will call approximately 20 jurors into the courtroom at a time
- 23 until a jury of 8 is selected, with zero alternates. [The Court denied defendants'
- 24 request to pick 9 jurors]. Each side will be allowed 20 minutes of voir dire per jury
- 25 group. Each side gets 3 peremptory challenges total. The peremptory challenges
- 26 do not carry over into subsequent rounds. Peremptory challenges will be processed
- 27 in this sequence: Plaintiff; Defense; Defense; Plaintiff; Plaintiff; Defense. A party
- 28 may pass. A pass will **not** count as a peremptory strike. If the parties consecutively

pass, the peremptory process ends and there will be no more peremptory strikes.

- Trial will be bifurcated, as moved by Plaintiff. By March 26, 2025, each party must file an updated witness list indicating during which phase or phases the witnesses will testify. The parties also by March 26 must file updated proposed verdict forms for each phase.
- The Court will separately issue orders on the motions in limine and will issue proposed opening jury instructions and, later, proposed closing instructions and jury verdict forms.
- Finally, the parties are reminded to order court reporting services through the clerk's office if they have not done so already, and to install and test their courtroom technology before trial.

IT IS SO ORDERED.

Dated: March 20, 2025


NATHANAEL M. COUSINS
United States Magistrate Judge